

In the Drawings:

Kindly replace Figures 7 and 8 with the replacement drawings enclosed herewith.

REMARKS

The Office Action

Claims 51-81 are pending. Claims 51, 52, 57, and 61-63 stand rejected for indefiniteness. Claims 64-81 were not examined. The Office has objected to Figures 7 and 8. Claims 51-63 are allowable over the cited art.

Support for the Amendments

Support for new claims 82-85 is found in Figures 7 and 8.

Improper Restriction of Claims 64-81

The Office has not examined claims 64-81 on the merits, stating that these claims “are directed to an invention that is independent or distinct from the invention originally claimed...” The Office supports this assertion based on U.S. restriction practice and further posits that Applicants have made a constructive election “by original presentation for prosecution on the merits.” Applicants traverse this finding.

Applicants first note that independent claim 64 corresponds to cancelled claim 26; claim 78 corresponds to cancelled claim 47; claim 80 corresponds to cancelled claim 49; and claim 81 corresponds to cancelled claim 50. Claims 26, 47, 49, and 50 were prosecuted from the beginning of this case, until they were cancelled and replaced with claims 64, 78, 80, and 81. Thus, Applicants have not made a constructive election to forego the subject matter of claims 64-81 in this application.

In addition, the instant application is the National Stage of International Application No. PCT/JP99/00954. Accordingly, the application is entitled to the unity of invention standard, and reliance on U.S. restriction practice is improper (M.P.E.P. §§ 1893.03(d) and 1896(IV)).

Since Applicants are still pursuing subject matter corresponding to that originally pursued, and the Office has applied an incorrect standard to the instant claims, claims 64-85 should be examined on the merits.

Objection to the Figures

The Office has objected to the structures in Figures 7 and 8. Applicants submit herewith replacement sheets deleting these structures, and the objection may be withdrawn.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 51, 52, 57, and 61-63 are rejected for indefiniteness for the depiction of a nitrogen atom with a valence of four in formula (V). Claims 51 and 52 have been cancelled, and claims 57 and 61 have been amended to delete reference to these claims. This rejection is now moot.

Claims 64-85

Applicants reiterate their arguments regarding the patentability of unexamined claims 64-81 provided in the previous reply. These arguments are also applicable to new claims 82-85. Claims 64-85 recite compounds, e.g., as synthesized in the Examples of the specification, having at least two tetraethylenepentamine or spermine structures and a degree of alkylation of less than or equal to 24.5%. For example, compounds 2-10 of the Examples have at least two tetraethylenepentamines, compounds 22-27 have three tetraethylenepentamines, compounds 36-43 and 45-47 have three spermines, and compounds 48 and 49 have five spermines. None of prior art cited in the Office Action dated August 29, 2001 (i.e., Khmel'nitsky, Byk, and Wolff) describes such compounds. For example, Khmel'nitsky describes CEPEI having a degree of alkylation of 70% (pg. 740, second column). Byk's compounds, shown in columns 9-22 of the US patent document, have only one spermine. In Wolff, compounds 13 and 16 in columns 12 and 13 have only one tetraethylenepentamine, and the compounds shown in columns 10-17 have neither tetraethylenepentamine nor spermine. Therefore, the composition of claim 64 is distinct from the compositions disclosed in Khmel'nitsky, Byk, and Wolff.

CONCLUSION

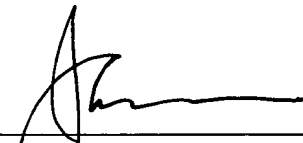
Applicants submit that the claims are in condition for allowance, and such action is respectfully requested.

Enclosed is a check in payment of \$100.00 for new dependent claims 82-85.

Also enclosed is a petition to extend the period for reply for one month, to and including January 16, 2005. If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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